

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

\* \* \*

JOHN HASTINGS,

Case No. 2:16-cv-01595-JCM-PAL

Plaintiff,

v.

**ORDER**

ELVIN GARRY GRUNDY, III,

(Mot. – ECF No. )

Defendant.

This matter is before the Court on Plaintiff John Hastings' Application to Proceed *In Forma Pauperis* (ECF No. 1) filed July 5, 2016. This Application is referred to the undersigned pursuant to 28 U.S.C. § 636(b)(1)(A) and LR IB 1-3 and 1-7 of the Local Rules of Practice.

Mr. Hastings is proceeding in this civil rights action *pro se*, which means that he is not represented by an attorney. See LSR 2-1. Pursuant to 28 U.S.C. § 1915 and LSR 1-1 of the Local Rules of Practice, any person who is unable to prepay the fees in a civil case may apply to the court for authority to proceed *in forma pauperis* ("IFP"), meaning without prepaying the full \$400 filing fee. Here, Mr. Hastings has requested authority to proceed IFP and submitted the affidavit required by § 1915(a) asserting that he is unable to prepay fees and costs or give security for them. However, he did not sign or date the application declaring under the penalty of perjury that the information is true and he understands that a false statement may result in a dismissal of his claims. As a result, the court cannot approve Mr. Hastings's IFP application. The court will therefore deny the IFP Application (ECF No. 1) without prejudice and instruct the Clerk of the Court to mail Mr. Hastings a blank copy of the IFP application. He shall have until **August 19, 2016**, to (i) submit a completed application that includes his signature and a date on the declaration, or (ii) pay the \$400 filing fee.


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1 Accordingly,

2 **IT IS ORDERED:**

- 3 1. Plaintiff John Hastings' Application to Proceed *In Forma Pauperis* (ECF No. 1) is  
4 DENIED WITHOUT PREJUDICE.
- 5 2. The Clerk of Court shall RETAIN Mr. Hastings's Complaint (ECF No. 1-2).
- 6 3. The Clerk of Court SHALL MAIL Mr. Hastings a blank IFP application (AO 240) for  
7 non-incarcerated litigants.
- 8 4. Mr. Hastings shall have until **August 19, 2016**, to file a completed IFP application  
9 that includes his signature and a date on the declaration. Alternatively, he may pay  
10 the \$400 filing fee on or before **August 19, 2016**.
- 11 5. Mr. Hastings's failure to comply with this Order by: (a) submitting a completed IFP  
12 application that includes his signature and a date on the declaration, or (b) paying the  
13 \$400 filing fee before the **August 19, 2016** deadline will result in a recommendation  
14 to the district judge that this case be dismissed.

15 Dated this 20th day of July, 2016.

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18 PEGGY A. LEEN  
19 UNITED STATES MAGISTRATE JUDGE  
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